

**MINUTES FOR THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

**June 24, 2010**

**DIVISION ONE**

B218425      In re Jonnie Portis on Habeas Corpus.      (Not for Publication)

The petition for a writ of habeas corpus is granted, and the Board's decision is hereby vacated. The Board is directed to find Portis suitable for parole unless, within 30 days of the finality of this decision, the Board holds a parole suitability hearing and finds, based on new evidence, that he currently poses an unreasonable risk of danger to society if released on parole.

Mallano, P.J.

We concur:   Chaney, J.  
                     Johnson, J.

B218643      Los Angeles County, D.C.F.S.      (Not for Publication)  
                     v.  
                     W.N.

The order is affirmed.

Rothschild, Acting P.J.

We concur:   Chaney, J.  
                     Johnson, J.

DIVISION ONE (continued)

B223521      D.D.      (Not for Publication)

v.

Superior Court, Los Angeles County  
(Department of Children and Family Services)

The juvenile court is directed to transfer this matter to a different judicial officer and forthwith to hold a hearing on the relative placement request of Leticia C. and any other relative who has made a placement request. At any such hearing, the court shall apply the relative placement preference under section 361.3, subdivisions (a) and (c) and shall not deny the relative placement preference solely on the basis of a bond between Eva R. and her foster parents. The .26 hearing is stayed pending a decision on such placement.

Rothschild, J.

We concur:    Mallano, P.J.  
                 Chaney, J.

B218123      People      (Not for Publication)

v.

McCandless

The judgment is reversed solely with respect to the portion of the judgment that ordered McCandless to pay \$266.89 toward appointed counsel fees. The matter is remanded to the trial court to conduct a hearing to determine the reasonableness of the amount of fees and the ability of McCandless to pay, pursuant to Penal Code section 987.8. In all other respects, the judgment is affirmed.

Johnson, J.

We concur:    Rothschild, Acting P.J.  
                 Chaney, J.

## DIVISION ONE (continued)

B217671 People (Not for Publication)  
v.  
Nanez

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The Penal Code section 186.22, subdivision (b)(1)(C) findings on counts 1 and 2 are reversed. The enhancements imposed under section 12022.53, subdivisions (b), (e)(1) and section 186.22, subdivision (b)(1)(C) on counts 1 and 2 are stricken. Defendant's convictions and sentence on counts 1 and 2 are affirmed. The remaining firearm enhancements (imposition of a 10-year enhancement pursuant to section 12022.53, subdivision (b) on count 1 and the imposition of a three-year four-month enhancement pursuant to section 12022.53, subdivision (b) on count 2), the prior strike enhancement of five years (§ 667.5, subd. (a)(1)), and the two one-year terms for each of the prior prison terms (§ 667.5, subd. (b)), are all affirmed. The superior court clerk is directed to prepare a corrected abstract of judgment reflecting these changes and forward it to the Department of Corrections.

Johnson, J.

We concur:   Mallano, P.J.  
                      Chaney, J.

B216759 People (Not for Publication)  
v.  
Price

The trial court's finding on the Penal Code section 667.5, subdivision (b) enhancement allegation is reversed and the enhancement imposed is stricken. The trial court is directed to issue an amended abstract of judgment omitting the enhancement. In all other respects, the judgment is affirmed.

Mallano, P.J.

We concur: Rothschild, J.  
Chaney, J.

## DIVISION ONE (continued)

[illegible]

The true findings on the Penal Code section 12022, subdivision (b) enhancements for counts 1 and 2 are reversed. The sentence is vacated. The trial court is directed to conduct a court trial regarding the prior serious felony conviction (Pen. Code, § 667, subd. (a)(1)) and strike (Pen. Code, §§ 67, subds. (b)–(i), 1170.12, subds. (a)–(d)) allegations and to resentence defendant. When resentencing, the court is directed to stay the sentence on counts 5 through 7 pursuant to Penal Code section 654. After resentencing, the court shall issue a new abstract of judgment that correctly reflects (1) the stay of counts 5 through 7 and (2) that counts 5 and 6 were convictions of assault by means of force likely to produce great bodily injury (not assault with a deadly weapon). In all other respects, the judgment is affirmed.

Mallano, P.J.

We concur: Chaney, J.  
Johnson, J.

B212529 People  
v.  
Beckley, Jr.  
Finn

Filed order modifying opinion. Respondent's petition for rehearing is denied. (No change in the judgment)

B212529 People  
v.  
Beckley, Jr.  
Finn

Filed order denying appellant Beckley, Jr.'s petition for rehearing.

June 24, 2010 (Continued)

### DIVISION THREE

B219454      People                          (Not for Publication)  
v.  
**Jessie Q.**

The order continuing wardship is affirmed.

Klein, P.J.

We concur:   Kitching, J.  
                      Aldrich, J.

DIVISION FOUR

B220329      Los Angeles County, D.C.F.S.      (Not for Publication)  
v.  
Blanca J.,

The orders are affirmed.

Epstein, P.J.

We concur: Willhite, J.  
Manella, J.

B220354      In re William Gray on Habeas Corpus      (Not for Publication)

The superior court's order partially granting Gray's petition for writ of habeas corpus is reversed. The matter is remanded for the court to enter a new order denying the petition.

Suzukawa, J.

We concur: Epstein, P.J.  
Manella, J.

## DIVISION FIVE

B218454 People (Not for Publication)  
v.  
Francisco Ramirez

The judgment is affirmed.

Armstrong, J.

We concur:   Turner, P.J.  
                      Kriegler, J.

DIVISION SIX

B212975      Edwin Baker      (Certified for Publication)  
v.  
American Horticulture Supply Inc.

The judgment entered upon the order granting a directed verdict on appellant's third cause of action is reversed. The order granting a new trial is affirmed. The parties shall bear their own costs on appeal.

Yegan, Acting P.J.

We concur: Coffee, J.  
Perren, J.

B218120      People      (Not for Publication)  
v.  
Duncan

The judgment is affirmed.

Perren, J.

We concur: Yegan, Acting P.J.  
Coffee, J.

DIVISION EIGHT

Court convened at 9:00 a.m.

Present: Bigelow, P.J., Rubin, J., Flier, J., Grimes, J. and Emma Jean Amos, Deputy Clerk.

Each of the following:

B220134 Aztec Engineering v. City of Pasadena  
B214904 People v. Saaverda, et al.  
B216600 Truck Terminals v. Logistics Terminal  
B214682 People v. Arzola  
B216728 People v. King  
B217867 People v. Fortanel  
B218496 People v. Blue  
B217423 People v. Iniguez and Roma

Argument waived, cause submitted.

B216992     T. L. Jenkins  
               v.  
               H. J. Bryant, et al.

Merits:

Argued by George Holloway for appellant and by Dayton Parcells, III and Kenneth S. Wolf for respondents. Cause submitted.

B217975     Darrell Birdsell  
               v.  
               W. W. Manufacturing, Inc.,

Merits:

Argued by Charles Sneathem for appellant and by Benjamin Alvarez for respondent. Cause submitted.

DIVISION EIGHT (continued)

B217198 Timothy McLaughlin  
v.  
City of Los Angeles, et al.

Merits:  
Argued by Marc Berger for appellant and by Claudia McGee Henry,  
Deputy City Attorney for respondents. Cause submitted.

Court recessed.

Court reconvened at 10:24 a.m.

Present: Rubin, Acting P.J., Flier, J., Grimes, J. and Emma Jean Amos, Deputy Clerk.

B216452 People  
v.  
Akram Khan

Merits:  
Argued by Mark A. Hart for appellant and by Joseph P. Lee, Deputy  
Attorney General for respondent. Cause submitted.

Court recessed.

Court reconvened at 1:10 p.m.

Present: Bigelow, P.J., Rubin, J., Flier, J., Grimes, J., and Emma Jean Amos, Deputy Clerk.



DIVISION EIGHT (continued)

B215690     People  
              v.  
              Oscar Velazquez, et al.

Merits:  
Argued by Carol Boyk for appellant and by William H. Shin, Deputy Attorney General for respondent. No appearance by Melanie Dorian for appellant Vargas. Cause submitted.

Flier, J. left the bench.

B210446     Babak Pishvae  
              v.  
              Regents of The University of California

Merits:  
Argued by James Tillipman for appellant and by Alan Zuckerman for respondent. Cause submitted.

B218940     Riopharm USA, Inc.,  
              v.  
              Forte

Oral argument continued to July 30, 2010, at 9:00 a.m.

B212451     People  
              v.  
              Hernandez

Oral argument continued to July 29, 2010, at 10:30 a.m.

B216844     Ultimate Fit Inc. et al.  
              v.  
              Tukatech, Inc.

Oral argument continued to July 29, 2010, at 1:00 p.m.

June 24, 2010 (Continued)

DIVISION EIGHT (continued)

B216004     Hernandez  
              v.  
              Home Box Office

Oral argument continued to August 27, 2010, at 10:30 a.m.

Each of the following:

B207008 School Excess Liability v. Westchester Fire Ins. Exchange Company  
B215677 Keyghobad v. Home Box Office

Oral argument continued to August 26, 2010 at 1:00 p.m.

Court adjourned.